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Toxicology Department

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April 8, 2004

The Honorable Mike Leavitt, Administrator
U.S. EPA
P.O. Box 1473
Merrifield, VA. 22116

Subject: Request to Delist - CAS # 140-08-9, Tris (2-chloroethyl) phosphite (T2CEP)
High Production Volume Chemicals Initiative

Dear Administrator Leavitt:

As a continuing participant in the High Production Volume (HPV) chemical testing program, Rhodia Inc. is volunteering to support the generation and reporting of data for many HPV chemicals that we produce or import. We have joined consortia with other companies and volunteered individually to perform the tasks requested under the initiative.

This letter is being sent as a follow-up to our letter to you dated December 23, 2003. Following telephone conversations with Karen Hoffman of the U.S. EPA, she asked Rhodia to clarify its position regarding CAS # 140-08-9, Tris (2-chloroethyl) phosphite (T2CEP).

Rhodia Inc. respectfully requests that this chemical be delisted from the High Production Volume Chemicals Program on the basis that there is no benefit to be gained from additional testing on this chemical. In our previous letter about this chemical, Rhodia noted that, on an EPA website, the Agency had previously issued a Proposed Negotiated Testing Agreement (NTA) on this chemical (47 FR 5456, February 5, 1982). The NTA recommended that it be tested for the following health and environmental effects: pharmacokinetics and metabolism, subchronic and reproductive effects, chemical fate, and acute toxicity to fish, aquatic invertebrates and algae. At the request of the Agency, the manufacturers of T2CEP at that time submitted information on production, exposure and environmental release. As a result of the submission of this requested information, the EPA decided that Section 4 testing of T2CEP was not warranted based on evidence demonstrating extremely limited exposure of T2CEP and negligible release in the environment.

The Agency closed the Proposed Negotiated Testing Agreement because of insufficient exposure (47 FR 49466, November 1, 2003). Rhodia closely examined the Agency's decision not to test (DNT) and believes that the rationale is still valid today. In fact, the current scenario involving T2CEP is even more favorable in supporting a decision not to test because of insufficient exposure.

- The decision not to test cited three manufacturers. Since that time, this has been reduced to a single domestic manufacturer of T2CEP. As was noted in the DNT rationale, there is not likely any importation of this chemical.
- Production is a site-limited, continuous closed system process involving the reaction of phosphorus trichloride with ethylene oxide.
- T2CEP, having a low vapor pressure, is highly unlikely to be released from the production system. This has been confirmed through IH monitoring at the production site with no detection of T2CEP.

- The data also indicate that there is essentially no environmental release of untreated T2CEP from the production facility because of various waste treatment processes.
- T2CEP is used solely as an industrial intermediate in the manufacture of other products. Most of the T2CEP produced is converted at the T2CEP production site to a final product at a conversion efficiency greater than 99 percent. More than 99.9 percent of T2CEP is utilized at the production site to make downstream products, of which are supported through other HPV efforts.
- Less than 0.1 percent of T2CEP is sold in strictly controlled drum quantities to between 3 and 5 industrial users. T2CEP is again used as an intermediate in the manufacture of downstream products and, again, the conversion efficiency to the final products is expected to be similar to that seen at the production site.
- The DNT rationale noted that production facilities, including those of secondary users, pose a potential for exposure to fewer than 100 workers per year in total. With a single domestic production site and fewer secondary users today, the number is significantly less than 100 workers and is likely less than 50 workers. Rhodia is continuing to refine that estimate.
- The Agency found that:
 - In light of its uses and the limited potential for release and exposure, EPA believes there will be only minimal exposure to T2CEP and negligible environmental exposure.
 - Because of such limited exposure and release potential, there is no basis for believing that the compound may present an unreasonable risk to humans or the environment.
 - Therefore, EPA believed that the statutory findings necessary to require testing under section 4 for tris(2-chloroethyl)phosphite could not be made at that time.

Because of the previous 'decision not to test' rationale and updated supporting information above, Rhodia believes that there will be nothing gained by further testing under the Proposed Testing of Certain High Production Volume Chemicals (65 FR 81658).

Therefore, Rhodia respectfully requests that this chemical be delisted from the HPV Testing Initiative.

I continue to serve as Rhodia Inc.'s technical contact for the HPV initiative and look forward to your response. I can be reached at:

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Sincerely,

Glenn S. Simon, Ph.D., DABT
Director of Toxicology

cc: Jim Keith, American Chemistry Council
Paul Larson, Rhodia Inc.
Steve Groome, Rhodia Consumer Specialties (UK)